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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,741	01/16/2007	Otto Bosse	10537/328	2477

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EXAMINER	
AMIRI, NAHID	

ART UNIT	PAPER NUMBER
3679	

MAIL DATE	DELIVERY MODE
08/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/574,741	BOSSE ET AL.	
	Examiner	Art Unit	
	Nahid Amiri	3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *03* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 April 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *14-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *14-27* is/are rejected.

7)☐ Claim(s) ____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *04 April 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *4/4/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claim 27 is objected to because of the following informalities:

Claim 27, line 2, "ball" should be changed to --a ball--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 17, 18, 21, 22, 23, and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claims 17 and 18, it should be noted that the preamble of claims 17 and 18 set forth only a ball socket subcombination, with intended use of receiving a ball. As initially set forth, the elements of the combination are not positively included in the claims. However, claims 17 and 18, line 2, positively include the elements of the combination (e.g., the ball portion). Further, patentability determination is based on the socket ball recited and not how the socket ball is intended to be used. Thus, it is structure of the socket ball, alone, that is considered. Accordingly, it is unclear what elements set forth the structural limitation of the socket ball, and as to whether the combination or subcombination is being claimed. For this Office action, it is presumed that only the subcombination is being claimed.

With respect to claim 21, the claim appears to be misdescriptive and/or inaccurate because no elastically deformable region (6) is seen to be arranged diagonally with respect to a

gap (4a, b). At best, the drawings illustrate a perpendicular relationship. Did Applicants mean _-diametrically--instead?

With respect to claim 22, the claim appears to be misdescriptive and/or inaccurate because there are no gaps diagonally arranged with respect to each other. Did applicants mean – diametrically-- instead?

With respect to claim 27, lines 2-4, applicant uses the rotatably mounted connection arrangement to connect a first part to a second part in a vehicle. Therefore, it is unclear what is the structural limitation of rotatably mounted connection for the system. In other words, the rotatably mounted connection arrangement is set forth as being adapted to connect a first part to a second part yet it appears that the connection arrangement actually is the first and second parts. If such is the case, then how do the first and second parts serve to connect themselves?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 14-17, 19, 20, 24, 26, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,164,829 Wenzel et al.

With respect to claims 14-17, Wenzel et al. disclose a ball socket (1, Figs. 1-2, column 5, lines 30-31) for receiving a ball (not shown) comprising at least one elastically deformable region (2); wherein the elastically deformable region (2) is formed of an elastically deformable material; wherein the elastically deformable region (2) includes an elastically deformable geometry; and wherein the ball socket (1) is adapted to cover a ball portion of the ball, the ball portion delimited by at least one circle.

With respect to claim 27, Wenzel et al. disclose a system (Figs. 1-2, column 5, lines 30-31) comprising a rotatably mounted connection arrangement "adapted" to connect a first part (constituted by a ball not shown) to a second part (constituted by a socket 1), the first part

(constituted by a ball not shown) including ball as a connection element, the second part including a ball socket (1) as a connection element and adapted to receive the ball, the second part (1) including at least one elastically deformable region (2). Note that the connection arrangement is the two parts to be connected as is apparently intended to be the case from a reading of claim 27.

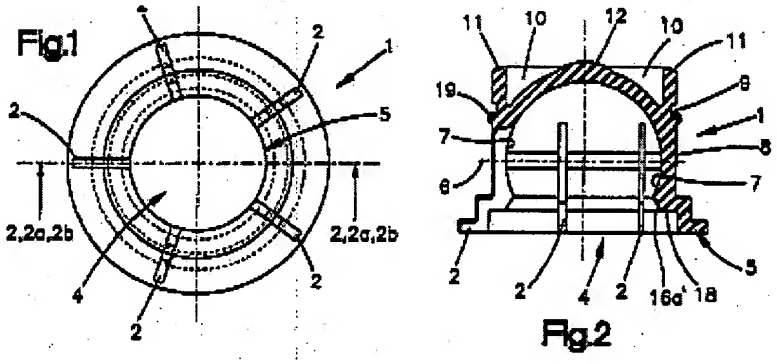


Fig.2

With respect to claims 19 and 20, Wenzel et al. disclose (Figs. 1-2) that the ball socket (1) includes a t least one gap; wherein the gap is oriented perpendicular to at least one circle that delimits a ball portion of the ball that is covered by the ball socket (1).

With respect to claims 24 and 26, Wenzel et al. disclose (Figs. 1-2) that the elastically deformable region (2) is arranged between a first portion of the circle and a second portion of the circle; and wherein the elastically deformable region (2) includes a thin-walled region.

Claims 14-20 and 22-27 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 2,288,160 Flumerfelt.

With respect to claims 14-20 and 22-26, Flumerfelt discloses a ball socket (37, 38, 44, Figs. 7 and 8; page 2, column 2, lines 25-27) for receiving a ball (30) comprising at least one elastically deformable region (entire material of 44 is yieldable, but note especially that portion in gaps between 37, 38); wherein the elastically deformable region is formed of an elastically deformable material; wherein the elastically deformable region includes an elastically deformable geometry; wherein the ball socket (37, 38, 44) is adapted to cover a ball portion of the ball (30), the ball portion delimited by two circles arranged parallel to one another; the ball

socket (37, 38, 44) arranged as a ball layer; the ball socket (1) including two gaps; wherein the gaps are oriented perpendicular to the circles that delimit the ball portion of the ball (30) that is covered by the ball socket (1); wherein the elastically deformable region is arranged in one of the two gaps; wherein the at least one gap includes two gaps, wherein the gaps are diagonally arranged to same extends as applicants' gaps are along a circumference of the ball (30); wherein the elastically deformable region is arranged between a first portion of the circle and a second portion of the circle; and wherein the elastically deformable region (D) includes a thin-walled region.

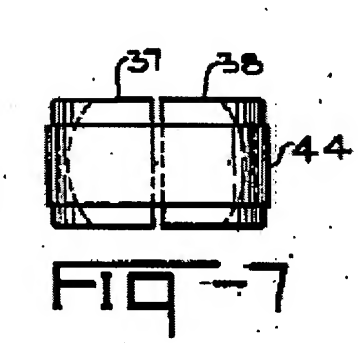


FIG-7

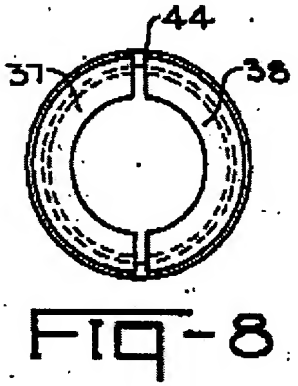
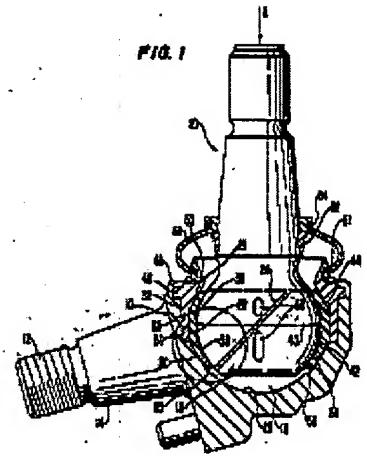


FIG-8

With respect to claims 27, Flumerfelt discloses a system (Figs. 7-8) comprising a rotatably mounted connection arrangement adapted to connect a first part (30) to a second part (44), the first part including ball as a connection element, the second part including a ball socket (1) as a connection element and adapted to receive the ball, the second part (1) including at least one elastically deformable region. Note that the connection arrangement is the two parts to be connected as is apparently intended to be the case from a reading of claim 24.

Claims 14, 19, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,395,176 Zivkovic.

With respect to claims 14, 19 and 21, Zivkovic teaches a ball socket (10, Fig. 1) comprising at least one elastically deformable region (22); at least one gap (constituted by an open end of the socket 10); and wherein the elastically deformable region (22) is arranged as an elongate portion arranged diagonally with respect to the gap.



Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The prior cited references US Patent No. 3,226,141 Sullivan, Jr.; US Patent No. 3,411,815 Sullivan, Jr.; US Patent No. 6,488,436 B1 Modat; US Patent No. 4,591,276 Scheider et al.; US Patent No. 4,615,638 Ito; US Patent No. 4,904,107 Fukukawa et al.; and US Patent No. 5,758,986 Kraps; are cited to show a ball socket for receiving a ball.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nahid Amiri whose telephone number is (571) 272-8113. The examiner can normally be reached on 8:30-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nahid Amiri
Examiner
Art Unit 3679
July 17, 2007

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